

# BOARD OF COUNTY COMMISSIONERS

PERSHING COUNTY

P.O. DRAWER E

LOVELOCK, NEVADA 89419

## August 17, 2012 Press Release

Although Pershing County Officials have yet to be served with a Complaint or any documentation, it has been reported that Black Rock City, LLC has filed suit against several officials in Pershing County. Based upon initial information provided through press releases and reporting on the filing, the pleading appears to be rife and replete with misrepresentations, omissions, and inaccurate information. All though an answer will be able to provide more information as to the problems with the factual representations of Black Rock City, LLC, a simple example illustrates the failure to include crucial information that would change the perception of what is occurring.

For Example: Black Rock City argues that state law is preempted by federal law. A crucial omission that Black Rock City, LLC has failed to include in their pleadings in this respect is that the BLM Recreational Permit requires that Black Rock City, LLC comply with all state statutes and local ordinances in hosting their event. The festival ordinance imposed by Pershing County is pursuant to a Nevada State law (Nevada Revised Statutes (NRS) 244.354 *et seq.*) and local ordinance (Pershing County Code 5.16). Another crucial omission that is left out is that Pershing County Code 5.16.105 provides that if there is duplication of requirements between the Plan of Operations for the BLM permit and the Pershing County License, the BLM Permit governs. These omissions create misleading impressions of what has occurred. The complaint filed by Black Rock City, LLC appears to be replete with similar omissions, misrepresentations, and inaccuracies.

Without giving an overall context to the information provided, Black Rock City LLC attempts to portray motivations that simply did not and do not exist. For example, Mr. Harvey, one of the original participants in Burning Man, falsely asserts in the press release that Pershing County is trying to "balance its books" through the fees charged to Burning Man. Mr. Harvey is quoted by the Reno Gazette-Journal (RGJ) as stating "It's our contention that Pershing County is proposing to charge us fees that are essentially unlinked to any service and that it's simply motivated by a desire to increase county revenues. Period." Pershing County government does not benefit and would like to break even on the event.

A review of the verifiable facts shows that Pershing County government does not reap any benefits from the Burning Man Festival. Pershing County has population of roughly 5,000-5,500 people. In 2012, it is expected that Burning Man will bring in 60,000-64,000 people, roughly twelve (12) times the population of Pershing County. If Washoe County (2011 est. pop. 425,710) were to experience a similar influx of people, in addition to the normal influx of people, there would be nearly five million people coming into Washoe County in a one week period of time. Would Washoe County have budgetary issues trying to cover overtime? No. Would Washoe County have sufficient existing law enforcement at the event? The answer is no. How would Washoe County deal with its duties to keep the peace and enforce the law in an event that was nearly two to three hours from Reno and Sparks and that did not have existing infrastructure? The answer, Washoe County would have to bring in additional law enforcement and provide the infrastructure. This is just a minor example of how Black Rock City and Mr. Harvey and Black Rock City try to distort the issues.

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Black Rock City asserts that the increased fees will endanger the future viability of the Assembly, yet fails to mention that tickets prices to the annual Assembly have skyrocketed. In its application for a Pershing County License, Black Rock City LLC claims that it charges on average of three hundred thirty dollars (\$330.00) for every one of the sixty thousand plus (60,000 +) tickets sold at the Burning Man Assembly. The Pershing County law enforcement costs represent about 2.6% of the total ticket price. There is a great demand for tickets and many will pay premium prices to attend. Given the demand for tickets, Black Rock City could recoup the costs easily by a slight increase in their price structure.

Another Example: Black Rock City, LLC has failed to mention valid concerns relating to law enforcement activities relating to state crimes that occur during the two week event. During past events, there have been numerous sexual assaults, domestic violence crimes, other violent crimes, arson, and drug offenses during the two week event. There have been children removed from their parents at the event due to neglect and abuse. While Black Rock City, LLC wants to portray the event as a fairytale land in their public relations, they fail to mention serious crimes that have occurred in the past and are expected to occur in the future.

The Pershing County Sheriff's Office is charged with maintaining the peace and enforcing State laws throughout Pershing County. The Sheriff's Office lacks the resources to deal with such a large influx of people and is required to seek outside help to deal with many of the law enforcement issues associated the Assembly. This also requires additional overtime charges and other workload because of the event. Yet, the taxes that go to support the Sheriff's Office are based upon the population of Pershing County. Mr. Harvey ignores the fact that all most all the costs go to supply infrastructure, manpower, and accommodations for the amount of law enforcement needed at the Burning Man Event. The revenue generated goes to pay for the costs associated with the increased costs of accommodating so many people in a remote and isolated part of the County. The residents of Pershing County should not be required to flip the bill for the business conducted by a twenty million dollar plus (\$20,000,000 +) business.

Another Example: Black Rock City alleges that in May of 2012 "the County decided not to have a separate law enforcement agreement but to deal with law enforcement expenses through its licensing under the Festival Ordinance." This allegation misrepresents the facts. The County stood ready and willing to enter into an agreement. Black Rock City Officials terminated the negotiations and indicated that there would be no law enforcement agreement.

These are just a few of the many examples that illustrate the factual inaccuracies, misrepresentations and omissions in Black Rock City's statements. Sadly, despite an amicable working history with Pershing County officials, Black Rock City has chosen to engage in the pursuit of false allegations and innuendos. Pershing County will defend against Black Rock City's decision to sue. Ultimately, the facts will be litigated and a Court will have to decide which side is right. Other than that which is contained herein, each of the named Pershing County Officials have no further comment on the filing of the lawsuit by Black Rock City, LLC.